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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,217	05/11/2001	Douglas E. Weiss	55944US002	6357

32692 7590 06/19/2009  
3M INNOVATIVE PROPERTIES COMPANY  
PO BOX 33427  
ST. PAUL, MN 55133-3427

EXAMINER
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LIGHTFOOT, ELENA TSOY

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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06/19/2009

ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DOUGLAS E. WEISS, DOUGLAS S. DUNN, and  
ROY G. SCHLEMMER

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Application 09/853,217  
Technology Center 1700

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Mailed: June 19, 2009

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*Before* HARRY HORTON, *Paralegal Specialist*.

HORTON, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 15, 2008. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

The USPTO received an Information Disclosure Statement submitted by the Appellant. The Information Disclosure Statement in question was received on February 28, 2008. It is not clear from the record whether the Examiner considered the Information Disclosure Statement or whether the Examiner notified Appellants why the submission did not meet the criteria set forth in 37 C.F.R. §§ 1.97 and 1.98. Clarification is required.

Claim 1 contained in the Claims Appendix to the Appeal Brief (received by the USPTO on July 30, 2007) does not appear to be consistent with the amendment to claim 1 (Amendment received October 13, 2006). The language “for forming a pressure-sensitive adhesive, the method” does not appear after the word --method-- in line 1 of claim 1. The Examiner must reevaluate and determine if the claims contained in said Appeal Brief are the latest amended version and if not, notify Appellants to provide said amended version.

### CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to acknowledge the IDS received February 29, 2008;
- 2) to reevaluate the claims contained in the Claims Appendix to the Appeal Brief received July 30, 2007 ensuring that the claims are the last amended version, if not, notify Appellants to submit the latest amended version of said claims; and
- 3) for such further action as may be appropriate.

Application 09/853,217

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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